



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:

James Keddie *et al.*

Art Unit: 1638

Application No: 09/713,994

Examiner: Unassigned

Filing Date: November 16, 2000

For: GENES FOR MODIFYING PLANT
TRAITS

Box Missing Parts

Commissioner for Patents
Washington DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

In response to the Notice to File Missing Parts of Nonprovisional Application Under 37 CFR §1.53(b) mailed November 16, 2001, Applicants hereby submit the following:

- ☐ Copy of Notice of Missing Parts;
- ☐ Original executed Declaration For Utility Patent Application (16 pages);
- ☐ Surcharge under 37 C.F.R. § 1.16(e) for the late filing of the executed Declaration \$130.00;
- ☐ Original Executed Power of Attorney By Assignee.

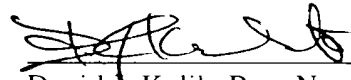
Applicants believe no requests for extension of time, petitions, extra claim fees, or other additional fees are necessary to enter and consider this paper or any accompanying paper. A check in the amount of **\$130.00** is enclosed to cover the above noted fees. However, in the event any variance exists between the amount attached and the amount

due, the Commissioner is hereby authorized to charge or credit any difference to the undersigned's Deposit Account No. 50-1129.

Respectfully submitted,
Wiley Rein & Fielding LLP

Date: January 14, 2002

By:


David J. Kulik, Reg. No. 36,576

Wiley Rein & Fielding LLP
Intellectual Property Department
1776 K Street N.W.
Washington, D.C. 20006
Telephone: 202.719.7000
Facsimile: 202.719.7049

WRFMAIN 1081229.1



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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| | | |
|--|-----------------------------|--|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 09/713,994 |
| | Filing Date | November 16, 2000 |
| | First Named Inventor | James KEDDIE et al. |
| | Group Art Unit | 1638 |
| | Examiner Name | Unassigned |
| Total Number of Pages in This Submission | | Attorney Docket Number MBI-0022 |

| ENCLOSURES (check all that apply) | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|---|---------------------------------|
| Firm or Individual name | David J. Kulik; Reg. No. 36,576 |
| Signature | |
| Date | January 14, 2002 |

| CERTIFICATE OF MAILING | | | |
|---|--|------|--|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <input type="text"/> | | | |
| Typed or printed name | | | |
| Signature | | Date | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

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FREE TRANSMITTAL
for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 130.00

Complete if Known

Application Number 09/713,994

Filing Date 11/13/2001

First Named Inventor James KEDDIE et al.

Examiner Name Unassigned

Group Art Unit 1638

Attorney Docket No. MBI-0022

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

Wiley Rein & Fielding

Deposit
Account
Name

50-1129

☐ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17☐ Applicant claims small entity status
See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money
Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code (\$) Fee Code (\$) Fee Description

101 740 201 370 Utility filing fee

106 330 206 165 Design filing fee

107 510 207 255 Plant filing fee

108 740 208 370 Reissue filing fee

114 160 214 80 Provisional filing fee

Fee Paid

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES

| | | | | | | | |
|--------------------|--|--------------|--|----------------|--|----------|--|
| Total Claims | | Extra Claims | | Fee from below | | Fee Paid | |
| Independent Claims | | -20** = | | X | | | |
| Multiple Dependent | | -3** = | | X | | | |

Large Entity Small Entity

Fee Code (\$) Fee Code (\$) Fee Description

103 18 203 9 Claims in excess of 20

102 84 202 42 Independent claims in excess of 3

104 280 204 140 Multiple dependent claim, if not paid

109 84 209 42 ** Reissue independent claims
over original patent110 18 210 9 ** Reissue claims in excess of 20
and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 105 130 | 205 65 | Surcharge - late filing fee or oath | 130.00 |
| 127 50 | 227 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 130 | 139 130 | Non-English specification | |
| 147 2,520 | 147 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 112 920* | 112 920* | Requesting publication of SIR prior to Examiner action | |
| 113 1,840* | 113 1,840* | Requesting publication of SIR after Examiner action | |
| 115 110 | 215 55 | Extension for reply within first month | |
| 116 400 | 216 200 | Extension for reply within second month | |
| 117 920 | 217 460 | Extension for reply within third month | |
| 118 1,440 | 218 720 | Extension for reply within fourth month | |
| 128 1,960 | 228 980 | Extension for reply within fifth month | |
| 119 320 | 219 160 | Notice of Appeal | |
| 120 320 | 220 160 | Filing a brief in support of an appeal | |
| 121 280 | 221 140 | Request for oral hearing | |
| 138 1,510 | 138 1,510 | Petition to institute a public use proceeding | |
| 140 110 | 240 55 | Petition to revive - unavoidable | |
| 141 1,280 | 241 640 | Petition to revive - unintentional | |
| 142 1,280 | 242 640 | Utility issue fee (or reissue) | |
| 143 460 | 243 230 | Design issue fee | |
| 144 620 | 244 310 | Plant issue fee | |
| 122 130 | 122 130 | Petitions to the Commissioner | |
| 123 50 | 123 50 | Processing fee under 37 CFR 1.17(q) | |
| 126 180 | 126 180 | Submission of Information Disclosure Stmt | |
| 581 40 | 581 40 | Recording each patent assignment per property (times number of properties) | |
| 146 740 | 246 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 740 | 249 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 740 | 279 370 | Request for Continued Examination (RCE) | |
| 169 900 | 169 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

Name (Print/Type)

David J. Kulik

Registration No.
(Attorney/Agent)

36,576

Complete (if applicable)

Telephone

202-719-7000

Signature

Date

01/14/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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DUPLICATE



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20230
WWW.USPTO.GOV



| APPLICATION NUMBER | FILING RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/713,994 | 11/16/2000 | Keddie | MBI-0022 |

200578
Karen Guerrero
Mendel Biotechnology, Inc.
21375 Cabot Blvd.
Hayward, CA 94545

CONFIRMATION NO. 7536

FORMALITIES LETTER



OC000000007083841

Date Mailed: 11/16/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Adjustment date: 01/24/2002 HPRASASO
01/18/2002 HBERNE 00000031 09713994
01 FC:105 -130.00 DP

01/24/2002 HPRASASO 00000001 09713994

01 FC:205

65.00 DP